

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

LARRY L. MCCARTY, SR.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:06cv113KS-JMR

SHERIFF BILLY MCGEE AND GLENN NOBLES

DEFENDANTS

ORDER

The plaintiff filed this complaint pursuant to 42 U.S.C. § 1983 on April 28, 2006. The defendants are Billy McGee and Glenn Nobles. Upon review of the plaintiff's complaint, it is hereby,

ORDERED AND ADJUDGED that the plaintiff within 20 days of the date of this order shall provide this court with the civil action number of every civil action or appeal which the plaintiff has had dismissed on the grounds that it is frivolous, malicious or fails to state a claim upon which relief may be granted. Plaintiff shall also provide the name of the court and name(s) of defendant(s) in each civil action identified.

IT IS FURTHER ORDERED that the United States District Clerk is hereby directed to issue summons to the defendants,

Billy McGee, Sheriff
Forrest County Jail
316 Forrest Street
Hattiesburg, MS 39401

Glenn Nobles
Forrest County Jail
316 Forrest Street
Hattiesburg, MS 39401

requiring a response to the complaints. The Clerk is directed to attach a copy of this order to each complaint that will be served on the named defendants. The United States Marshal shall serve the same pursuant to 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that each defendant file his or her answer or other responsive pleading in this cause in accordance with the *Federal Rules of Civil Procedure* and the Local Rules of this Court.

IT IS FURTHER ORDERED that subpoenas shall not be issued except by order of the Court. The United States District Clerk shall not issue subpoenas upon request of the pro se litigant, but shall instead forward the request to the Magistrate Judge assigned to this cause for review. The plaintiff shall submit all request for the issuance of subpoenas to this office for review.

IT IS FURTHER ORDERED that *all discovery is to be completed 90 days from the time issue is joined by the filing of an answer. All dispositive motions shall be filed 120 days from the time issue is joined by the filing of an answer.*

IT IS FURTHER ORDERED that *the counsel for the defendants shall submit a Scheduling Order in accordance with the dates set out above for completing discovery and filing all dispositive motions within 15 days from the date of the Answer.*

The plaintiff should understand that this order allowing process to issue against the above named defendants does not reflect any opinion of this Court that the claims contained in the complaint will or will not be determined to be meritorious.

It is the plaintiff's responsibility to prosecute this case. Failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in the dismissal of this case.

THIS the 16th day of June, 2006.

s/ John M. Roper
CHIEF MAGISTRATE JUDGE